

500 KAR 7:020. Local alternatives to detention fund.

RELATES TO: KRS 15A.270

STATUTORY AUTHORITY: KRS 15A.160, 15A.270

NECESSITY, FUNCTION, AND CONFORMITY: The Justice Cabinet is required to promulgate administrative regulations to govern the local alternatives to detention fund.

Section 1. Definitions. (1) "Applicant" means the county fiscal court or its contractor completing the grant application process for local alternative to detention funds.

(2) "Local alternative to detention fund (LADF)" means the fund established to provide monies for local programs that support alternatives to secure detention projects.

(3) "Demonstration project" means those projects that seek to test and prove the effectiveness and viability of a concept in providing alternative placement to secure detention.

(4) "Disposition" means the placement of a juvenile prior to secure incarceration or post incarceration.

(5) "Alternative to detention" means placement or efforts made to place a juvenile in programs, projects or resources other than secure detention.

(6) "Grant application" means a form supplied by the Kentucky Justice Cabinet to the applicant for delineating programmatically and fiscally what the applicant proposes to do in the project.

(7) "Schedule" means an established listing of times and dates necessary paperwork is due in the grant application process to the Division of Grants Management.

(8) "Grant period" means the period of time the project can incur programmatic and fiscal activity under grant funds.

(9) "Extension" means an increase in time of the active grant period of a project in order to expend surplus funds. An extension shall be granted by Justice Cabinet, Division of Grants Management.

(10) "Seed money" means funds that are granted to allow a project to begin operation and attain self-sufficiency through use of other funds.

(11) "Programmatic report" means the report submitted on a quarterly basis detailing the program activity of a grant project.

(12) "Fiscal report" means the report submitted on a quarterly basis detailing the program activity of a grant project.

Section 2. Application Procedures, Including Granting and Denying Applications. (1) All applicants for the local alternative to detention fund (LADF) shall be a county fiscal court. The fiscal court may, if necessary, subcontract with other organizations, such as a private nonprofit, corporation, to provide an alternative to detention program for the county. The county fiscal court shall maintain the responsibility for all fiscal portions of the grant.

(2) Monies in the LADF shall be awarded for demonstration projects only.

(3) Applications for LADF shall propose to support programs that deal with one (1) or more of the following:

(a) An alternative placement for juveniles other than a jail, intermittent holding facility, juvenile holding facility or secure juvenile detention facility;

(b) Hold juveniles for no more than seventy-two (72) hours in a juvenile holding facility prior to disposition under KRS Chapters 620, 630, 635, and 645; or

(c) Provide transportation of juveniles to and from alternatives to detention programs, intermittent holding facilities, secure juvenile detention facilities, juvenile holding facilities or court appearances.

(4) County fiscal courts seeking to apply for LADF shall contact the Justice Cabinet, Division of Grants Management for grant applications, schedules and instructions.

(5) Applicants shall submit an original and two (2) copies of the completed grant application for review to the Justice Cabinet, Division of Grants Management.

(6) Submission, review and award or rejection of the grant application shall proceed according to a sixty (60) day schedule period established by the Justice Cabinet, Division of Grants Management.

(7) Grant awards shall be awarded on a quarterly basis in March, June, September, and December.

(8) Applications shall be denied or rejected for the following reasons:

(a) Project does not address one (1) or more of the alternative to detention program areas outlined in KRS 15A.260.

(b) An applicant other than county fiscal court submits the grant application but does not provide contractual agreement with county fiscal court to operate project.

(c) An applicant submits an application that is not workable or feasible.

(d) The LADF does not contain adequate funds.

(9) Applicants rejected for funding shall be entitled to appeal by following the steps outlined below. Upon notification by the Justice Cabinet, Division of Grants Management of rejection of the grant application, the applicant may:

(a) Appeal a decision by the Justice Cabinet, Division of Grants Management by filing a notice of appeal with the Secretary of Justice. The notice of appeal shall be sent by certified mail and shall be filed no later than fifteen (15) business days after receipt of the notice of denial by the applicant.

(b) Upon receipt of notice of appeal by the Secretary of Justice, the secretary shall set a date for an appeal hearing within thirty (30) days after the date of receipt of the appeal request. The appeal procedure shall be conducted by the Secretary of the Justice Cabinet or his designee. On the date established, the secretary or his designee shall hear evidence by the applicant relative to reasons the appeal should be granted. The applicant may present witnesses to support the appeal. The entire hearing shall be recorded. The secretary shall render a decision within thirty (30) working days. The decision of the Secretary, Justice Cabinet shall be final. Nothing herein shall preclude the re-submission of an application through use of regular application process.

Section 3. Program and Funding Restrictions. (1) Projects eligible for funding under the LADF shall be those listed in KRS 15A.260.

(2) Projects funded under the LADF shall be for a grant period not less than six (6) months and no more than twelve (12) months on each individual award.

(3) Projects that do not expend funds on schedule may be eligible for an extension of the grant period. The grantee shall request an extension in writing from the Division of Grants Management.

(4) Funds utilized from the LADF are to be considered seed money. As such, projects can receive no more than three (3) years or thirty-six (36) months funding.

Section 4. Program and Funding Report. (1) Grant projects shall file a programmatic and fiscal report quarterly regarding activity of the preceding quarter. A due date schedule shall be supplied by Division of Grants Management.

(2) The fiscal report used shall be an approved fiscal reporting form supplied by the Division of Grants Management strictly for this purpose.

(3) The programmatic report used shall be an approved programmatic reporting form supplied by the Division of Grants Management strictly for this purpose.

(4) The grantee shall maintain individual client files. Information supplied to the Division of Grants Management for report or statistical purpose shall be by client identification number or client initials.

Section 5. Termination of Programs. (1) Project funding shall be terminated for the following reasons:

(a) Funds have not been expended within ninety (90) days of grant award without justification approved by the Justice Cabinet.

(b) Application is made under false pretenses or information.

(c) Applicant is mishandling grant funds.

(d) Applicant is unable to carry out the project as described under application.

(e) Grant projects may be terminated due to failure of the subgrantee to submit timely programmatic and fiscal reports to the Division of Grants Management.

(2) In case of termination, the Division of Grants Management shall notify the grantee in writing specifying the reason and giving the grantee sufficient time to close out the grant or seek funding from other sources. Once a project is terminated, the grantee shall submit a final fiscal and programmatic report detailing activity for the entire grant period. The project shall remain subject to a close-out audit. (15 Ky.R. 1348; eff. 1-7-89.)